

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>Deborah Ann Ansaldi et al.</p> <p>Serial No.: 10/642,409</p> <p>Filed: August 15, 2003</p> <p>For: SEPARATION OF POLYPEPTIDE MONOMERS</p>	<p>Group Art Unit: 1643</p> <p>Examiner: Holleran, Anne L.</p> <p>Confirmation No: 1482</p> <p><b>Customer No: 09157</b></p> <hr/> <p><b>Electronically Filed: November 27, 2006</b></p>
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your petitioner, Genentech, Inc., having a place of business at 1 DNA Way, South San Francisco, California 94080-4990 in the county of San Mateo, has reviewed the evidentiary documents set forth herein below and certifies to the best of Genentech's knowledge and belief that title in and to the herein application and in the referenced U.S. Patent No. 6,620,918 resides in Genentech, Inc.

Your petitioner, Genentech, Inc., represents that it is the owner of the entire right, title, and interest in and to application U.S. Serial No. 10/642,409, filed August 15, 2003, by virtue of an assignment recorded on August 10, 1999 at Reel 010158, Frame 0740, and is also the owner of the entire right, title, and interest in and to U.S. Patent No. 6,620,918, filed May 26, 1999 and issued September 16, 2003, by virtue of an assignment recorded on August 10, 1999 at Reel 010158, Frame 0740.

Your petitioner hereby disclaims the terminal part of any patent granted on the herein application Serial No. 10/642,409 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of said Patent No. 6,620,918, and hereby agrees that any patent so granted on the herein application 10/642,409 shall be enforceable only

for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,620,918, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or its assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,620,918 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Petitioner reserves the right to extend the shortened term of any patent granted on the above-identified application due to regulatory delays pursuant to 35 U.S.C. §156.

I am an attorney of record and empowered to act on behalf of Genentech, Inc. as an attorney of the company.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is authorized to charge the statutory fee of \$130 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Deposit Account 07-0630.

Respectfully submitted,  
GENENTECH, INC.

Date: 11/27/06

By: Janet E. Hasak  
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